



Order Filed on December 30, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

RAS CITRON, LLC

130 Clinton Road, Suite 202

Fairfield, New Jersey 07004

Telephone Number: 973-575-0707

Attorneys for Secured Creditor

Shauna Deluca, Esq. (SD-8248)

In Re:

Brian T. Fultz,

Debtor.

Case No.: 18-26234-RG

Chapter: 13

Hearing Date: August 5, 2020

Judge: Rosemary Gambardella

**ORDER RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF FROM THE
AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: December 30, 2020

A handwritten signature in cursive script that reads "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

Page 2

Secured Creditor: NewRez LLC d/b/a Shellpoint Mortgage Servicing

Secured Creditor's Counsel: RAS Citron, LLC

Debtor's Counsel: Russell L. Low, Esq.

Property Involved ("Collateral"): 610 McBride Avenue, W. Paterson, NJ 07424

Relief sought: ■ Motion for relief from the automatic stay

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. The Debtor was previously approved for a Trial Loan Modification which required three payments in the amount of \$1,766.42 be made on 9/1/2019, 10/1/2019, and 11/1/2019. Debtor successfully made these payments, but failed to return the signed Trial Modification or make any additional payments after the final payment. The status of the post-petition Trial Modification payments are as follows:

- The Debtor is due for December 1, 2019 through August 1, 2020 Trial Modification payment in the amount of \$1,766.42 per month.

Funds Held In Suspense \$3.74

Total amount due: \$15,894.04

2. Debtor shall make a lump-sum payment in the amount of \$15,894.04 directly to Secured Creditor on or before August 31, 2020.

3. Debtor shall submit a proper Homestead Affidavit directly to Secured Creditor to provide Secured Creditor with the documents needed to complete review of the Debtor for a Final Loan Modification. Debtor shall timely comply with any and all other requests made by Secured Creditor in the event further documents are needed for review.

4. Debtor shall continue to maintain a payment pursuant to the Trial Modification Agreement in the amount of \$1,766.42 directly to Secured Creditor on September 1, 2020 while the Loan is under review for a Final Loan Modification.

5. In the event the Debtor is denied a Final Modification, or the Debtor fails to comply with the terms of this Order, Secured Creditor reserves its right to collect any and all amounts due under the terms of the original Note, rather than the Trial Loan Modification. Secured Creditor will not demand the remaining arrearages in the event a Final Modification is approved, and said amounts will be capitalized into any future Final Loan Modification.

6. Payments to the Secured Creditor shall be made to the following address(es):

Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, Ohio 45274-0039

7. In the event of Default:

■ Should the Debtor(s) fail to make the above captioned lump sum payment, or if any trial modification payment should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ This order survives any Final Modification Agreement the parties may enter into during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

8. Award of Attorneys' Fees:

- The Applicant is awarded attorney fees of \$350.00 and costs of \$181.00.
The fees and costs are payable:
 - Through the Chapter 13 plan.

In re:
Brian T. Fultz
Debtor(s)

Case No. 18-26234-RG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Dec 30, 2020

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 01, 2021:

Recip ID	Recipient Name and Address
db	+ Brian T. Fultz, 610 McBride Avenue, Second Floor, Woodland Park, NJ 07424-2822

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BY PASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 01, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 30, 2020 at the address(es) listed below:

Name	Email Address
Aleisha Candace Jennings	on behalf of Creditor PHH MORTGAGE CORPORATION ajennings@rasflaw.com
Kevin Gordon McDonald	on behalf of Creditor U.S. Bank National Association as Trustee for Securitized Asset Backed Receivables LLC Trust 2006-NC2, Mortgage Pass-Through Certificates, Series 2006-NC2 kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg	magecf@magtrustee.com
Nicholas V. Rogers	on behalf of Creditor PHH MORTGAGE CORPORATION nj.bkecf@fedphe.com
Russell L. Low	on behalf of Debtor Brian T. Fultz ecf@lowbankruptcy.com ecf@lowbankruptcy.com;r57808@notify.bestcase.com
Shauna M Deluca	

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Dec 30, 2020

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Total Noticed: 1

on behalf of Creditor PHH Mortgage Corporation sdeluca@rasflaw.com

Shauna M Deluca

on behalf of Creditor PHH MORTGAGE CORPORATION sdeluca@rasflaw.com

Sindi Mncina

on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing smncina@rascrane.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9